OIPE 20 2004

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PTO/SB/21 (09-04) Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE ne Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 09/975,985 10/15/2001 Filing Date TRANSMITTAL Kim B. Roberts First Named Inventor **FORM** 2872 Art Unit **Examiner Name** (to be used for all correspondence after initial filing) Attorney Docket Number 9-13528-152US Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Drawing(s) Fee Transmittal Form Appeal Communication to Board of Appeals and Interferences Licensing-related Papers Fee Attached Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Petition Amendment/Reply Petition to Convert to a Proprietary Information Provisional Application After Final Power of Attorney, Revocation Status Letter Change of Correspondence Address Other Enclosure(s) (please Identify Affidavits/declaration(s) Terminal Disclaimer below): Extension of Time Request RETURN POSTCARD Request for Refund Express Abandonment Request CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Remarks Certified Copy of Priority Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Ogilvy Renault Signature Printed name Kent Daniels Reg. No. 44,206 Date December 23, 2004 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature Date Typed or printed name

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 23, 2004

File N

File No.: 9-13528-152US

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Kim B. Roberts et al.

Serial No.:

09/975,985

Filed:

10/15/2001

Title:

MEASUREMENT OF POLARIZATION DEPENDENT LOSS IN

AN

**OPTICAL TRANSMISSION SYSTEM** 

Agent of Record:

**Kent Daniels** 

Tel: (613) 780-8673

#### **Mail Stop Amendment**

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 U.S.A.

Sir:

# INFORMATION DISCLOSURE STATEMENT FEE NOT REQUIRED

Pursuant to the duty of disclosure under 37 CFR 1.56 enclosed is a copy of the European Search Report issued by the European Patent Office against applicants' corresponding European patent application No. EP 1 289 174 A3. The references cited in the Search Report are listed on the attached PTO Form SB/08A and copies (other than U.S. patents and U.S. published applications) are submitted herewith.

Pursuant to 37 CFR 1.97(e), each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. Accordingly no late submission fee is believed to be payable. However, should a late submission fee be considered payable, the Commissioner is hereby authorized to charge any required fee to Deposit Account No. 19-5113

In accordance with 37 CFR 1.97(h), the submission of the present information is not to be construed as an admission that such information is, or is considered to be material to patentability.

### Commissioner for Patents

The Examiner is kindly requested to consider the references submitted during the examination of the above-identified application, making the references of record, and to return an initialed copy of the PTO Form SB/08A to the below-signed agent.

Respectfully submitted,

Bv:

Kent Daniels, Registration No. 44,206

**OGILVY RENAULT** 

1600 - 1981 McGill College Avenue Montreal, Quebec, Canada H3A 2Y3

KD/hb Encls.

PTO/SB/08A (08-03)

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Substitute for form 1449/PTO

Sheet 1

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Con	nplete if Known	
Application Number	09/975,985	
Filing Date	10/15/2001	
First Named Inventor	Kim B. Roberts	
Art Unit	2872	
Examiner Name		
Attorney Docket Number	9-13528-152US	

			U. S. PATENT	DOCUMENTS	D Columna Linea Where
Examiner Initials*	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2 (# known)</sup> US- 6,222,652 B1	04-24-2001	GIBBON MARK ACTON	See EP Search Report
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Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> ( <i>if known</i> ) EP 0 553 460 A	08-04-1993	HEWLETT PACKARD	See EP Search R	
	-	EP 0 615 356 A	09-14-1994		See EP Search R	
		EP 0 964 537 A	12-15-1999	KDD CORP	See EP Search R	╄
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	Date	
Examiner	Considered	
Signature	0 0	itation if not in conformance and not

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of Cushor Considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant be designation number (optional). <sup>2</sup> See Kinds Codes of Cushor Cus

Translation is attached.

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